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RSPA-02-13658-14



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ROBERT G. PETRANCOSTA
Director
Safety and Environmental Compliance

January 8, 2003

Dockets Management System
U.S. Department of Transportation
400 Seventh St., SW. Room PL 401
Washington, DC 20590

Re: Docket Number RSPA-2002- 13658 (HM-215E)

Con-way Transportation is pleased to submit comments in response to the Research and Special Programs Administration's (RSPA) Notice of Proposed Rulemaking (NPRM) referenced above.

Con-Way Transportation Services, Inc. is a \$2 billion transportation and services company that provides time-definite and day-definite freight delivery services and logistics for commercial and industrial businesses. Within the Con-Way family are regional less-than-truckload carriers Con-Way Central Express, Con-Way Southern Express, Con-Way Western Express, Con-Way Canada Express and Con-Way Mexico Express; Con-Way NOW, an expedited carrier specializing in emergency shipment service; Con-Way Logistics, a contract supply chain execution service provider, Con-Way Air Express, an airfreight forwarder with service throughout the U.S., Canada and Puerto Rico, and Con-Way Full Load, a truckload brokerage service offered throughout the U.S. and Canada.

Con-Way is a subsidiary of Palo Alto, California-based CNF Inc. (NYSE: CNF), a \$4.9 billion management company of global supply chain services with businesses in regional trucking, air freight, ocean freight, customs brokerage, global logistics management and trailer manufacturing.

Conway Transportation supports the RSPA's proposal to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international standards by incorporating various amendments. However, we believe the Agency has overlooked one significant amendment in its proposal.

Section § 172.202 Requirement to Enter the Subsidiary Hazard Class or Subsidiary Division Number on Shipping Papers

Con-Way supports the RSPA's proposal to require the subsidiary hazard class or subsidiary division number on shipping papers. The lack of such a requirement often poses a problem for our employees when handling hazardous materials during the loading of our trailers. In a fast paced work environment, relying on the shipping paper for critical information is much more feasible and expedient than attempting to scrutinize packagings for labels. With the addition of the subsidiary class on the shipping paper, our employees will be better assisted in loading and placarding trailers correctly.

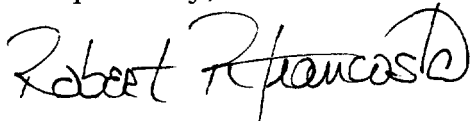
However, we feel that the Agency may have possibly overlooked a subsequent amendment made necessary by the proposed change to section § 172.202(a)(2).

Currently, section § 172.203 (m) (1) requires that *“If a liquid or solid material in a package meets the definition of a Division 6.1, Packing Group I or II, according to this subchapter, and the fact that it is a poison is not disclosed in the shipping name or class entry, the word "Poison" or "Toxic" shall be entered on the shipping paper in association with the shipping description.”*

This requirement will become unnecessary should the proposed rule change become final. Requiring the subsidiary class on the shipping paper will make this rule obsolete since both the primary and subsidiary hazard class will be clearly indicated. Not removing the current rule would result in redundancy of information and unnecessary verbiage in association with the basic description. More so, it would increase the risk for non-compliance in the event the words “Poison” or “Toxic” are not entered on the shipping paper.

We sincerely appreciate the opportunity to respond to this particular NPRM and hope the Agency will consider our comments.

Respectfully,

A handwritten signature in black ink that reads "Robert Petrancosta". The signature is written in a cursive, flowing style with a large, stylized initial 'R'.

Robert Petrancosta
Director, Safety and Environmental Compliance
Con-Way Transportation Services, Inc.